

REMARKS

In the Office Action, claims 11-24 are stated as pending. More specifically, the Office Action states that pending claims 14-26 were renumbered as claims 11-24 under Rule 126. Applicants first note that a renumbering of claims 14-26, beginning with claim 11 would result in the renumbering of such claims to be 11-23 and have treated the reference to claim 24 as a typographical error. If this is incorrect, clarification from the Examiner is requested.

Secondly, Applicants note that the present application is filed under 35 U.S.C. §371 (i.e. was filed under the Patent Cooperation Treaty (PCT) and entered the national stage in the US). The PCT application as originally filed contained claims 1-13. Claims 11-13 were cancelled by amendment during the international stage. Therefore, although claims 1-10 were the only pending claims upon entering the national stage in the U.S., cancelled claims 11-13 are part of the record and numbering of the added claims commenced at 14 pursuant to Rule 126 and continued consecutively therefrom. Thus, Applicants respectfully request the original numbering (i.e., 14-26) for the pending claims be reinstated. For the purpose of the remarks presented herein, the original numbering of all claims is being used with a reference to the numbering used in the Office Action appearing in the prentices immediately following. A copy of all pending claims with the original numbering is included in this Response.

Applicants acknowledge claims 14-18 (11-15) have been deemed allowable.

A restriction has been requested in the present Office Action. More specifically, the Applicant has been requested to elect one of the following inventions:

Group I – Claims 14-18 (11-15) drawn to a medicament for the treatment of diseases caused by Treponema comprising carvacol and thymol, classified in class 514, subclass 728.

Group II – Claims 19, 20 and 24 (16, 17 and 21) drawn to a diet composition comprising carvacol and thymol, classified in class 514, subclass 728.

Group III – Claim 21 (18) drawn to a drinking water supplement which comprises a composition comprising carvacrol and thymol, classified in class 514, subclass 728.

Group IV – Claim 22 (19) drawn to a drench bath containing a composition comprising carvacrol and thymol, classified in class 514, subclass 728.

Group V – Claim 23 (20) drawn to a bactericide comprising carvacol and thymol, classified in class 514, subclass 728.

Applicants note that claims 25 and 26 are not included in the Office Action, either as a separate Group or as part of Groups I-V as listed. Thus, Applicants request further clarification with regard to these two pending claims. However, Applicants believe the following remarks to be applicable to claims 25 and 26, whether such claims are considered included in one of the listed Groups or considered part of a separate Group.

In order to provide a complete response, Applicants provisionally elect Group I, claims 14-18 (11-15), with traverse.

Applicants again respectfully note that the present application is an application filed under 35 U.S.C. §371. For national stage applications submitted pursuant to 35 U.S.C. §371, unity of invention practice under 37 C.F.R. §1.475, NOT restriction practice regarding independence and distinctness, is applicable. See MPEP §1893.03(d). Under “unity of invention” practice, the Office Action must list the different groups of claims and explain why each group lacks unity with each other group.

The restriction requirement set forth in the Office Action is based on restriction practice regarding independence and distinctness and is therefore


improper for the present application. Applicants respectfully request such restriction requirement be immediately withdrawn.

Claims 27 and 28 have been added herein to further claim Applicants invention.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that the Examiner deems a call desirable:

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